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Sea piracy and maritime security in the Horn of Africa: The Somali coast and Gulf of Aden in perspective

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Introduction

The security of national and international waterways cannot be overemphasised, for obvious reasons. The ocean serves as a medium of transportation, a source of economic exploitation of such mineral resources as crude oil, and a source of food in the form of fishing and shrimp fishing. This has made the issue of the security of waterways (maritime security) a subject of serious concern to states, international organisations and other stakeholders in the maritime domain.

Regrettably, Africa's waterways have in recent times emerged as some of the world's most dangerous routes for vessels and their crew members in terms of pirate attacks.

Keywords Gulf of Aden, International Maritime Bureau, maritime security, Nigeria, piracy, Somalia

Of particular concern is the increase in piracy and sea raids off the coast of Somali and in Gulf of Aden around the Horn of Africa.[1] The situation has become particularly worrisome in the past three years, leading observers to conclude that 'piracy and its fruits have become the largest, single industry of that impoverished country'.[2]

How do we characterise the serious dimensions that sea piracy has assumed along the Somali coast and in the Gulf of Aden? What factors contribute to the upsurge of piracy in the region? What has been the response of various stakeholders in promoting maritime security in the region? What measures could be adopted to combat piracy in the region? This article attempts to address these and related questions.

Conceptual framework

There is no single definition of sea piracy that is accepted by all states, organisations and scholars.[3] This article adopts the definition of sea piracy of the International Maritime Bureau (IMB), namely that it is 'the act of boarding any vessel with the intent to commit theft or other crime and with the capability to use force for furtherance of the act'.[4] Although this definition does have some loopholes, it serves the useful purpose of providing a context for finding evidence and statistics on reported attempts or actual boarding of a vessel by an individual or group with the intent of stealing the vessel's contents or for achieving other personal benefits.[5]

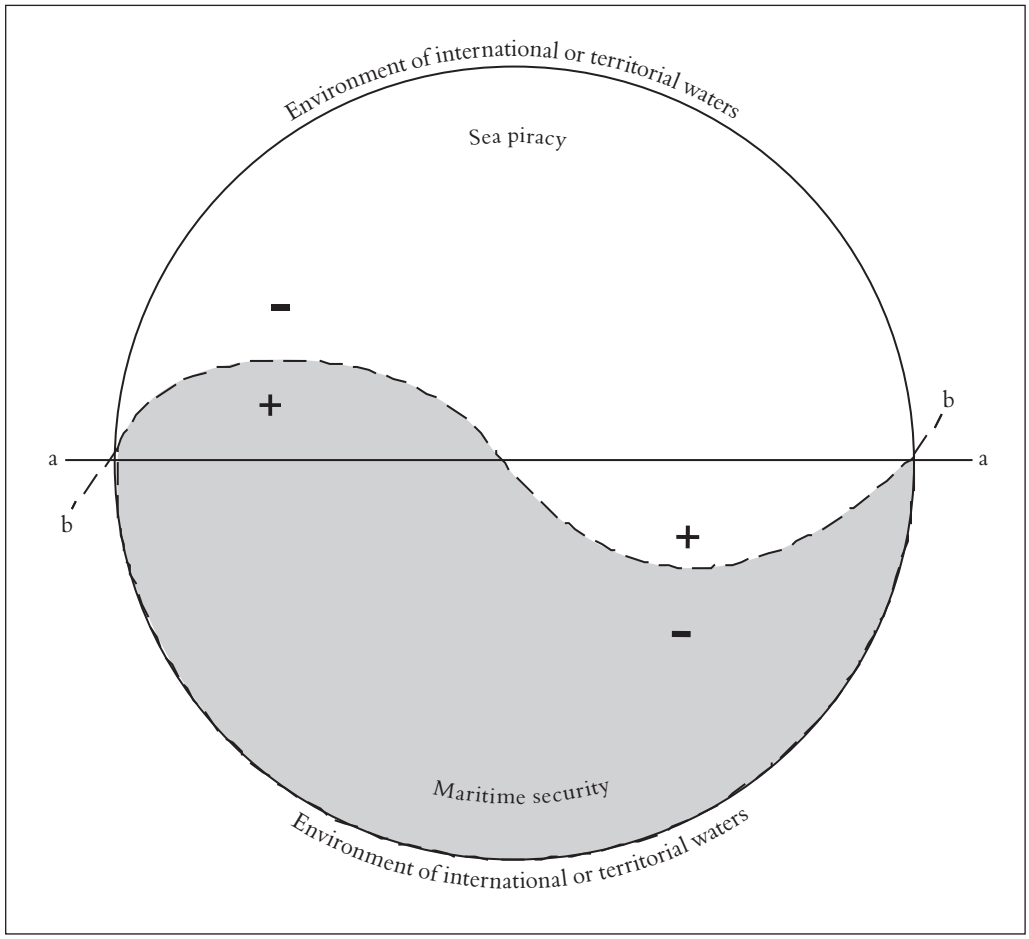
As with sea piracy, it is easier to explain what the concept of maritime security entails than it is to provide a definition that is generally accepted. The term 'maritime security' is defined here as the freedom from or absence of those acts which could negatively impact on the natural integrity and resilience of any navigable waterway or undermine the safety of persons, infrastructure, cargo, vessels and other conveyances legitimately existing in, conducting lawful transactions on, or transiting through territorial and international waterways. In other words, maritime security incorporates unhindered oceanic trade, safe navigation, the safeguarding of coastal communities and their livelihoods, protecting the food chain and preserving the oceanic contribution to the health of the planet.[6] Gilpin defines it simply as the 'prevention of unlawful acts in the maritime domain, whether they directly impact the country or region in question, or the perpetrators are in transit'.[7]

The maritime domain covers all areas and things of, on, under, relating to, adjacent to or bordering on a sea, ocean or other navigable waterway, including all maritime-related activities, infrastructure, people, cargo and vessels and other conveyances.[8] Geographically, the maritime domain of a coastal state includes territorial waters, measured as 12 nautical miles from the coast, the contiguous zone or coastal waters, calculated as 24 nautical miles from the coast, the exclusive economic zone, which is 200 nautical miles from the coast, and last, the continental shelf, which can extend out to 350 nautical miles from the coast.[9]

Maritime security has two principal dimensions. The first is the intrinsic dimension, which is concerned with the natural integrity of all elements that form the basic and essential features of the maritime domain, such as the pristine quality of the waters and the quantity of fish and other marine resources. Logically, the degradation of the natural integrity of the marine ecosystem by such activities as dumping/leakage of toxic waste and poaching constitute threats to the intrinsic dimension of maritime security. The second dimension, the extrinsic dimension of maritime security, covers the safety of all 'foreign' objects existing in or making use of the maritime domain. This then concerns the safety of among others vessels, persons and infrastructure, which do not form part of the basic and essential features of the marine ecosystem but which are of value to a state or entity which has the legal right to make use of the maritime domain.

Against this backdrop it becomes easier to appreciate how sea piracy impinges on maritime security. As shown in figure 1 below, both international and territorial waterways provide the environment for piracy. Hence, the potential for sea piracy

Figure 1 Links between sea piracy and maritime security



exists along almost all waterways, whether of advanced or developing countries. This assumption is based on the fact that increased economic activities in coastal areas tend to give rise to piracy. However, the degree of its manifestation in a particular location is basically a product of the nature of measures put in place to ensure maritime security. In this light, the state of maritime security and piracy are directly related. This is what is indicated by the thick straight line (a) dividing the two variables into two equal parts in figure 1. Thus, when piracy increases (+), it reduces maritime security (-). Conversely, increase in the level of maritime security (+) usually translates to decrease in the level of sea piracy (-), as indicated by the movement of the broken line (b).

In this sense, sea piracy threatens the two observed dimensions of maritime security. In terms of the intrinsic dimension, an environmental disaster resulting from pirate violence against oil-laden ships would undermine the marine ecosystem and in turn threaten a country's food supply and local livelihoods. With regard to the extrinsic dimension, piracy poses common risks to those who use the maritime environment, irrespective of their nationality or activity – among others vessels and their crews, tourists, workers on oil rigs. Therefore the task facing coastal states is to design and implement robust and sustainable measures that would buoy up maritime security and reduce sea piracy.

Piracy in Africans waters: overview of attacks along the Somali coast and in the Gulf of Aden

Piracy in Africans waters is not new. For instance, the Barbary Coast in North Africa (Morocco, Algeria, Tunisia and Libya) was a notorious area for piracy from the 17th century to the early 19th century.[10] In recent times, however, Africa has featured prominently in the global map of violence at sea.

An observer of piracy in Africa will notice two major developments. First is the concentration of pirate violence in three main regions, namely the Somali coast and the Gulf of Aden along the east African coast, Nigeria's territorial waters in West Africa, and the Mozambique Channel / Cape sea route in Southern Africa (see figure 2).

Second is the increase in the frequency and sophistication of pirate attacks. In this regard the Somalia coast and the Gulf of Aden are extreme danger zones for shipping in Africa's waters (see table 1). According to statistics from the IMB, piracy has become much more dangerous in the last few years. The latest annual report by the IMB shows that in 2008, a total of 293 incidents of piracy and armed robbery against ships were reported worldwide, which is an increase of more than 11 per cent on 2007. Africa accounted for the highest incidence of global piracy, with 189 cases. The region was followed by South Asia with 55 cases. The Indian subcontinent recorded 23 cases, while America and Far East Asia witnessed 14 and 10 attacks, respectively. The report attributed the increase

Figure 2 Map of Africa showing the three piracy hotspots

Source Author; original map from http://open-site.org/Kids/World_and_Countries/Africa

to the unprecedented number of attacks in the Gulf of Aden (92 cases) carried out by Somali pirates.[11]

Around the Somali coast, pirate attacks have increased both horizontally and vertically. Horizontally, pirates have acquired the weaponry and high-tech gadgetry that enabled them to expand the range of their attacks up to the Gulf of Aden and deep into the Indian Ocean. They now make use of automatic weapons, rocket-propelled grenades,

Table 1 Pirate attacks in Africa's waters, 2003–2008

Location	2003	2004	2005	2006	2007	2008
Gulf of Aden	18	8	10	10	13	92
Somalia	3	2	35	10	31	19
Nigeria	39	28	16	12	42	40
Rest of Africa*	33	35	19	29	34	37

* The waters of 22 African states.

Source Adapted from International Maritime Bureau, *Piracy and armed robbery against ships: report for the period 1 January – 31 December 2008*, London: IMB, 2009

faster attack craft with longer ranges, satellite phones, and global positioning systems (GPS) in their attacks. Their mode of operation involves the use of large 'mother ships', which follow the targeted ship by means of GPS devices. On approaching their target, they dispatch smaller speedboats that move in to enable the pirates to board the target and navigate the ship and its crew to any destination they choose. Attacks now take place right up to the Yemeni coastline. It is estimated that of the 16 000 vessels that pass through the Gulf of Aden every year, around 40 are hijacked.[12]

Vertically, attacks have increased in the sense that all kinds of vessels – including general cargo ships, bulk carriers, tankers, fishing vessels, sailing yachts and tugboats – are targeted, attacked and hijacked. Even cargo coming into Somalia as part of the United Nations World Food Programme (WFP) aid are not spared from pirate attacks. In October 2005, for instance, Somali pirates hijacked a UN food cargo ship which was in the process of unloading 850 tons of corn and rice at a Somali port.[13] In 2008 alone, pirates operating off Somalia's coast, in the Gulf of Aden and the Indian Ocean carried out over 130 attacks against ships, turning the region into the world's most dreaded waters.

The most brazen incident in the region took place on 18 November 2008 when Somali pirates hijacked a Saudi vessel, the MV *Sirius Star,* laden with oil worth over US$100 million. The attack took place about 500 miles off the coast of Kenya, deep to the Indian Ocean. According to Pottengal Mukundan, the director of ICC-IMB, the hijacking of the *Sirius Star* is significant on two levels: 'Firstly, [it] is the largest vessel to have been hijacked. Secondly, the distance from the shore would suggest a highly organised operation.'[14] The hijackers had demanded US$25 million for the release of the vessel and on 9 January 2009 did in fact release it, but the ransom amount was not disclosed.[15]

The extension of pirate attacks beyond the Somali coast into the Gulf of Aden seriously threatens the vital international trade route between Africa and Europe, and by extension Asia. The Gulf of Aden is a key maritime trade route, where thousands of ships navigate the Red Sea before passing through the Suez Canal which links Europe to Asia.

Why the upsurge of piracy in the region?

Various factors contribute to the upsurge of piracy along the Somali coast and in the Gulf of Aden. These include, but are not limited to, the historical failure of governance in Somalia, proliferation of small arms and light weapons, large profits from the payment of a ransom, worsening poverty and the absence of a joint maritime security strategy.

The historical failure of governance that resulted in the collapse of the Somali state is at the root of pirate violence in the region. Since the ousting of President Siad Barre in 1991, the country has been in virtual anarchy. The absence of a functional national government has led to the proliferation of warlords and armed militias, and consequent fragmentation of Somalia into a patchwork of rival fiefdoms. The result is that Somalia's coastline has been divided among militia groups and warlords who engage in piracy or provide information, protection and support to criminal gangs involved in piracy. The confession of one notorious Somali pirate, Mohamed Abdi Hassan, or 'Afweyne', shows that warlords are behind pirate attacks reported in Somali waters. According to *Africa Confidential:*

> Security officials for the Transitional Federal Government (TFG) say that Afweyne led the group of pirates that hijacked the MV *Rozen* on 25 February 2007 and link[ed] him to a network importing arms from Eritrea for former warlord Hussein Mohamed Farah 'Aydeed'. Another Haradheere-based pirate is another warlord, General Garaad Mohamud Mohamed, whom the UN investigators link to the hijacking of the South Korean-flagged fishing vessels *Mavuno I* and *Mavuno II*. Garaad publicly admitted his role on Shabelle Radio.[16]

The failure of governance has in other words resulted in a climate of insecurity in Somalia, which led to the development of a criminal economy. The reign of terror which has plagued Somalia on land created the environment for the extension of violence to the sea, and the profit from piracy in turn again sustains the insurgency in the country as a whole.

The failure of the Somali state has meant that its territory has been saturated with small arms and light weapons. Africa harbours an estimated 30 million illicit weapons, and 75 per cent of the world's conflict occurs on this continent. The Horn of Africa, which is characterised by porous borders, weak governments and ineffectual national security systems, figures prominently in the continent's map of regions with a high circulation of illicit weapons. The civil wars in Uganda, Ethiopia, Somalia and Sudan have sustained the illegal market in, and illicit use of, small arms and light weapons.[17] With a substantial volume of these arms circulating in an environment of worsening poverty, it is little surprise that Somali youths have turned to piracy to make a living.

The payment of ransom to secure the release of vessels or seafarers hijacked by pirates adds to the complexity of the piracy activities along the Somali coast. The cost of piracy globally is estimated at between US$13 and US$16 billion annually.[18] Because of the absence of an effective central government in Somalia, intervention and rescue is unlikely and the payment of the ransom is almost the only way out. Ship owners, knowing that no rescue is likely, pay up,[19] and the increased success rate of hijacking of vessels in the area lead to even more hijackings. It is estimated that in 2008 alone about US$30 million was probably paid by ship owners to free their vessels and crews hijacked by Somali pirates. The Kenyan government has admitted to paying ransom in excess of US$150 million to pirates operating in the region in 2008.[20]

The payment of a ransom has two major implications. First, any time a ransom is paid to a kidnapper, it produces obvious short-term benefits but much larger, hidden, long-term costs. The obvious benefit is the release of the hostage(s), but the hidden cost is that it encourages all organisations that specialise in hostage taking, immediately and in the future. Hostage taking is like any other type of business – if it is profitable enough, kidnapping organisations will expand and new kidnapping organisations will appear.[21] Second, it provides pirates with finance to procure sophisticated weapons and high-tech gadgetry. This has contributed to the frequency of their attacks, the expansion of the range of their onslaught and the success rate of their forays. This further emboldens the pirates and even worsens the situation.

Further, the task of ensuring the security of waterways, especially strategic chokepoints, is beyond the capacity of one littoral state. The positive effects of intensified joint naval policing of Indonesian waters and the Malacca Strait since 2004 attest to the importance of cooperative maritime security frameworks. Therefore, in a globalised world where non-state actors like terrorists, pirates and militias to a large extent have the same access to arms, high-tech equipment and information (intelligence) as states, the range of maritime threats requires collaboration among national navies in defense of their shorelines, to the common benefits of the global system.[22]

In the Horn of Africa, however, most of the littoral states not only suffer from poorly equipped and trained navies, they also fail to engage in collaborative security measures or combine their resources to address common maritime threats. The reason for this is partly their weak economies, but more fundamentally the political problems like international boundary disputes. The experiences of Eritrea and Djibouti in the Horn of Africa, and Nigeria and Cameroon in the Gulf of Guinea, where mutual relations between regional neighbours have been negatively affected by simmering border and oil disputes[23], are insightful in this regard. Nevertheless, they continue to suffer from various maritime threats which could be controlled by means of collaborative measures. Even where there are genuine intentions among regional neighbours to cooperate, it will be very difficult to achieve joint maritime security framework with the current navy

capabilities. In the absence of effective navies, coupled with a lack of regional maritime security cooperation among littoral states in the region, piracy has proliferated and there is a risk that it will spread to new areas.

Responses to the degenerating security situation

The security threats posed by growing piracy and sea raiding along the Somali coast and in the Gulf of Aden have attracted varying responses from various stakeholders. Credible responses and interventions have come from international organisations, multinational forces, regional networks and private security organisations. The nature and thrust of some of these responses are discussed briefly below.

The International Maritime Organisation and the United Nations

Since the degeneration of maritime security in the Somali waters, the International Maritime Organisation (IMO) has lead the way in pushing the agenda for addressing the security challenges at international fora. The IMO is an autonomous body, operating within the UN network, whose main function is to regulate commercial shipping and tackle marine pollution. In line with its remit, the body has intensified efforts to bring the threats posed by growing piracy in Somali waters to the attention of both the TFG in Somalia and the United Nations Security Council (UNSC) since 2005.

The growing number of reported attacks on ships off the coast of Somalia prompted the IMO assembly to adopt a resolution, which resulted in the UN Secretary-General bringing the matter to the attention of the UNSC in 2005. In July 2007 the IMO and WFP issued a joint communiqué expressing grave concern over the degenerating maritime security situation along the Somali coast and calling on the UN to act to prevent and suppress acts of piracy in the region. Similar pressure was exerted through IMO Resolution A1002/25 of November 2007, which requested the TFG to take any action it deemed necessary to prevent and suppress acts of sea raiding originating in Somalia's waters, and to advise the UNSC on the request by the IMO council that foreign warships and military aircraft be used to combat piracy in its territorial waters. These interventions ensured that issues of pirate violence remained on the agenda of UN deliberations on the Somali situation, and led to many of the UN interventions in suppressing piracy in the region. Thus the response of the IMO to the Somali situation has mainly taken the form of agenda-setting for the TFG and the UN.

On 20 August 2007, for instance, the UNSC adopted Resolution 1772 on the situation in Somalia, in which it among others expressed its concern about the upsurge in pirate violence off the Somali coast and took note of the joint communiqué issued by IMO and the WFP on 10 July 2007. A more resolute response by the UN on suppressing piracy along the

Somali coast and in the Gulf of Aden came in October 2008, when it adopted Resolution 1838 which calls upon 'States whose naval vessels and military aircraft operate on the high seas and airspace off the coast of Somalia to use on the high seas and airspace off the coast of Somalia the necessary means, in conformity with international law, as reflected in the Convention, for the repression of acts of piracy'.[24] Since then the UNSC has passed other resolutions aimed at providing a legal platform for intervention by foreign navies to ensure the security of merchant shipping along the coast of Somalia and in the Gulf of Aden.

Intervention of foreign navies

The deployment of foreign navies to patrol the area is one attempt to ensure the security of merchant shipping along the Somali coast and in the Gulf of Aden. Intervention by foreign navies arose partly from the need to protect their states' maritime interests and partly in response to the UN's call for the suppression of acts of piracy in the area.

In recent times, navies from the US, China, Russia, the North Atlantic Treaty Organisation (NATO) and the European Union (EU) have intervened to protect merchant shipping in the region. In August 2008, for instance, the US Naval Central Command set up a Maritime Security Patrol Area (MSPA) in the Gulf of Aden, involving coalition navy warships and aircraft which patrols the waters and airspace of the area.[25] Before the establishment of the MSPA, efforts were focused on Combined Task Force 150, a multinational operation which patrolled the Gulf of Aden, Gulf of Oman, Arabian Sea, Red Sea and Indian Ocean and whose main aim is to counter terrorism. Its main contributors are Britain, France, Germany and the US. However, the MSPA is expected to focus on countering destabilising activities in the region and improving security while long-term initiatives mature.

In mid-2008, the EU also initiated a Close Support Protection System for vessels passing through the Gulf of Aden. The French navy was the first to render the service, by providing protection teams on board two merchant vessels. The other ships that formed part of this 'group of protected vessels' did not have on-board protection teams. The idea is that the presence of the leading warships will deter pirates from attacking any vessels in the group. The vessels can also call on the accompanying warships for assistance if they are attacked by pirates. On 5 December 2008 the close protection escort provided by the French navy was replaced by a new EU operation named ATALANTA.[26] This operation involves arranging the passage of ships in groups through a special (UKMTO) transit corridor, based on their transit speed. Both naval and air surveillance are then deployed within the area to ward off attacks and provide support to ships.

Entry of private security firms

Private security firms have also stepped in to provide protection for merchant ships transiting the Somali coast and Gulf of Aden. Prior to the growing interest among

private security companies to offer their services for the protection of ships transiting Somali waters, the three different entities that exercised political authority within this geographically defined territory, namely the Transitional Federal Government, Puntland and Somaliland, also contracted private security companies to provide protection services. In their case the primary reason was to prevent piracy and illegal fishing in their coastal waters.[27] For instance, in 1999 the Somali government hired a British firm, Hart Security, to act as a coast guard. In December 2008 the managing director of the private Somali Coast Guard (Somcan) security firm, Abdiweli Ali Taar, 'requested the UN and EU to allocate $30 million per year to his company to improve its ways of dealing with Somali pirates'.[28] Somcan is based in Bosaso in Puntland, which is where most Somali pirates are based.

Other private security firms such as Blackwater Worldwide (recently renamed Xe) and the Mississippi-based Hollowpoint now view the Somali's unruly waters as a potential lucrative market for their services. Blackwater recently announced that 'it was hiring a ship fitted with helicopters and armed guards for escorting vessels past Somali's pirate-ridden coast'.[29] Unfortunately, some of these private security firms jostling for the task of providing security along the pirate-ridden coasts have a reputation of being very quick on the trigger. The record of a private security company like Blackwater – which is being investigated for its role in the fatal shooting of 17 Iraqi civilians and for improperly importing arms to Iraq in 2007 – raises concerns about the unregulated activities of private security firms in conflict zones.

Proposed regional anti-piracy centre

Another notable response to the growing piracy problem is the move by states in the region, and in cooperation with the IMO, to establish a regional centre for combating piracy in the Gulf of Aden and Arabian Sea, to be located at Sana'a in Yemen. Apart from the Sana'a centre, two other centres will be established, in Tanzania and Kenya.[30]

Consequently, a high-profile meeting of states from the western Indian Ocean, Gulf of Aden and Red Sea areas, held in Djibouti on January 2009, adopted a code of conduct dealing with the repression of piracy and armed robbery of ships in the western Indian Ocean and the Gulf of Aden. The meeting was attended by representatives of the maritime and port authorities of Comoros, Djibouti, Egypt, Eritrea, Ethiopia, France, Jordan, Kenya, Madagascar, Maldives, Mauritius, Mozambique, Oman, Saudi Arabia, Seychelles, Somalia, South Africa, Sudan, the United Arab Emirates, Tanzania and Yemen as well as other IMO member states. The adoption of the code of conduct is undoubtedly a starting point for successful anti-piracy cooperation and coordination in the region.

The proposed regional anti-piracy centres will operate in a similar fashion to the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against

Ships in Asia (ReCAAP). They will contribute to the suppression of piracy through regional cooperation by means of information exchange, joint patrolling and capacity building for navies of the coastal states.

Conclusion and recommendations

That the growth in piracy along the Somali coast and in the Gulf of Aden threatens the interests of states and peoples both within and outside Africa is no longer in doubt. However, what remains doubtful is the extent to which spontaneous responses to piracy in the region can address the problem in a sustainable manner. The following recommendations, although hardly exhaustive, would contribute to suppressing piracy in the region.

- First, the UN must assume its full responsibilities in Somalia, in particular by authorising without any further delay the establishment of an international stabilisation force. It should build on an enhanced AMISOM (the African Union Mission to Somalia) and further the cause of peace, security and reconciliation in Somalia, as well as facilitate the urgent deployment of a UN peacekeeping operation that could take over from AMISOM and support the long-term stabilisation and reconstruction of Somalia.[31]

- Second, the stabilisation of Somali should include the establishment of a special crime commission to investigate the activities of warlords, militia leaders and other criminals who have contributed to the Somali crisis, with a view to recommending and implementing appropriate sanctions.

- Third, there is a need for the African Union, regional organisations, national governments, civil society organisations and grassroots communities to intensify collaborative networks and strengthen mechanisms to control the proliferation of small arms and light weapons in the Horn of Africa.

- Fourth, the AU together with other stakeholders should intensify its collaboration with the regional economic communities (RECs) to ensure that the concepts of the African Standby Force and the Sub-Regional Standby Brigades become functional in June 2010 as envisaged in the roadmap. Also, efforts must be made to develop the capacity of the regional brigades to protect Africa's maritime interests within a clearly defined holistic maritime security strategy for Africa.

- Fifth, foreign navies operating along the region's coast should establish cooperative partnerships with navies of coastal states in the region. Without cooperation by these African coastal states it will be difficult, if not impossible, to legalise an isolated intervention much less a sustained systematic anti-piracy campaign in the region.[32]

Such cooperation would serve the dual purpose of attaching legitimacy to foreign-led operations and offer African navies the opportunity to build their capacities for policing their waters. The scope of cooperation must go beyond merely fighting piracy to include emphasis on effective protection of the marine resources of African states from liberal pillaging and the dumping of toxic wastes by foreign (and local) fleets.

- Finally, there is a need to tackle the root causes of piracy in Africa rather than reacting to this symptom of a deeper malaise. Most security challenges confronting Africa have their origin in the progressive failure of governance and internal contradictions that serve to undermine human development. The factors are legion, but corruption, marginalisation and injustice figure as the most prominent causes of insecurity onshore, which have now been extended offshore.

Good governance is therefore absolutely fundamental to achieving sustainable maritime security and development in Africa. Hence, efforts must be made to address bad governance by strengthening and networking all institutions and mechanisms at national, regional and continental levels that are fighting corruption and undemocratic tendencies. The importance of policies designed to curb corruption in African states, ensure transparency and accountability in the management of national resources, greater investment in human development, and the strengthening of the democratic (especially the electoral) processes to ensure the emergence of credible leaders cannot be over-emphasised.

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